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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/134,405 08/14/98 HAM

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EXAMINER

DUONG, T

ART UNIT

PAPER NUMBER

2871

DATE MAILED: 12/05/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/134,405

Applicant(s)

HAM

Examiner

T. DUONG

Group Art Unit

2871

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 9/12/00
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-28 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-28 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 13
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

Art Unit: 2871

Newly amended claims 1, 12, 23, 24 and newly added claims 25-28 recite the newly added limitations "the common line being substantially perpendicular to the data bus line". The amendments to the claims overcome the 102 (e) rejection over Ohe et al'271. However, the Ohe et al, Yanagawa et al and Kang et al references in the last Office action are still applied in the below 35 USC 103 rejections.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5, 8, 9, 12-14, 16, 19, 20 and 23- 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Prior Art Figs. 1A-B in view of Ohe et al'271 .

Applicant's Prior Art Figs. 1A-B disclose a LCD and a method of making of the LCD similar to those of the instant claims except for the $d_{\Delta n}$ being in the range of 0.29-0.36 μm (specification, pages 2-5). However, Ohe et al disclose that it was known to employ $d_{\Delta n}$ having a value of 0.30 μm for attaining a higher transmission index and a whiteness of the display emission light (col. 6, lines 50-55). Thus, it would have been obvious to a person of ordinary skill in the art to employ $d_{\Delta n}$ having a value of 0.30 μm (which is within in the recited range 0.29-0.36 μm) in Applicant's Prior Art Figs. 1A-B for attaining a higher transmission index and a whiteness of the display emission light , as disclosed by Ohe et al.

Art Unit: 2871

Claims 4, 6, 7, 10, 11, 15, 17, 18, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Prior Art Figs. 1A-B and Ohe et al.'271 as applied to claims 1-3, 5, 8, 9, 12-14, 16, 19, 20 and 23-28 above, and further in view of Yanagawa et al.'160 and Kang et al.'669 of record.

These claims recite that the passivation layer includes one of SiNx and SiOx, and one of the alignment layers comprises a photosensitive material being selected from the group consisting of polyvinylcinnamate, polysiloxane cinnamate and cellulosecinnamate. However, these materials are well-known in the art for the same intended purposes as those of the instant claims, as evidenced by Yanagawa et al. (PSV in Fig. 15 H) and Kang et al. (cols. 1 and 2).

Applicant's arguments with respect to claims 1, 12, 23 and 24 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

Art Unit: 2871

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tai Duong whose telephone number is (703) 308-4873.



Walter J. Malinowski
Primary Examiner
Technology Center 2800



TVD

December 4, 2000